

OFFICIAL COPY

Fresno, California

February 15, 2000

The City Council met jointly with the Redevelopment Agency in closed and regular sessions beginning at 8:50 a.m. in Room 2125 and in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember (Arrived later)
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - TITLE: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY - CHAIR RONQUILLO**

The Council met in joint closed session with the Redevelopment Agency to consider the above issue and convened in open joint session at 9:17 a.m.

**(8:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

APPROVE AGENCY MINUTES OF FEBRUARY 1, 2000

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Agency minutes of February 1, 2000, approved as submitted.

**(“A”) JOINT COUNCIL/AGENCY RESOLUTION NO. 2000-49/1562 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS**

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2000-49/1562 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Perea

**(“B”) WATER TOWER FUNDING - CHAIR RONQUILLO**

- 1. DIRECT EXECUTIVE DIRECTOR TO REPAY THE CITY OF FRESNO \$20,000 OF DEBT; AND**
- 2. REQUEST THE CITY MANAGER OR DESIGNEE TO PREPARE RESOLUTIONS TO ACCEPT \$20,000 IN RDA DEBT REPAYMENT AND APPROPRIATE THOSE FUNDS TO THE WATER TOWER PROJECT, AND FURTHER REQUEST THE CITY MANAGER TO FIND AN ADDITIONAL \$20,000 IN CITY FUNDS TO REALLOCATE TO THE WATER TOWER PROJECT. ALL APPROPRIATION RESOLUTIONS FOR THE \$40,000 FOR THE WATER TOWER PROJECT TO BE SCHEDULED ON THE 2/29/00, COUNCIL AGENDA**

Councilmember Perea arrived at 9:18 a.m. Chair Ronquillo and Director Fitzpatrick gave an overview of the issue, reasons for increased project costs, and clarified the request for shared costs, with Chair Ronquillo advising in addition to the subject request he, Councilmember Quintero and Acting President Bredefeld would also be contributing funds from their district infrastructure budgets towards the project.

Barbara Hunt, 944 “F” Street, spoke in opposition to the request.

A motion and second was made to approve the request as outlined above, including contributions from Council, which motion was seconded and later acted upon.

Chair Ronquillo responded to questions of Councilmember Steitz relative to the absence of information in the council packet on costs incurred, expended and still needed to complete the project, with Councilmember Steitz expressing his concern, questioning when requests for additional funding would end, and if someone could promise this would be the last request for funding; stated he supported the project but felt approval of the request this date was premature without any background information; and made a motion to table the matter for two weeks to obtain a report on costs, which motion was seconded and later acted upon.

Convention and Visitors Bureau Executive Director Kennedy responded to questions of Councilmember Quintero relative to project cost overruns and reasons therefore, and how many times requests had been made to Council for additional funding.

A motion of Councilmember Steitz, seconded by Councilmember Perea, to table the matter for two weeks to obtain a report on costs incurred, expended and still needed to complete the project failed, by the following vote:

Ayes	:	Mathys, Perea, Steitz
Noes	:	Boyajian, Bredefeld, Quintero, Ronquillo
Absent	:	None

Discussion continued with City Manager Reid stating the biggest problem was construction element strategies versus legal strategies and complying with all State and local laws and explained adding finding the funds would be simple, and along with City Attorney Montoy clarified what was being requested this date and further clarified the need to pursue a course of action for the additional funding relative to construction and possible need to adjust the lease.

On motion of President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, Councilmembers Bredefeld, Quintero and Ronquillo to contribute funds from their district infrastructure budgets for the Water Tower Project; the Agency Executive Director directed to repay the City \$20,000 of debt; the City Manager or his designee requested to prepare required resolutions to accept the \$20,000 in RDA debt repayment and

appropriate those funds to the Water Tower Project; the City Manager further requested to find an additional \$20,000 in City funds to reallocate to the Water Tower Project, and the appropriation resolutions for the \$40,000 to be scheduled on the 2/29/00, Council agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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The joint bodies adjourned at 9:43 a.m. and the City Council convened in regular open session.

Pastor Brad gave the invocation. President Steitz led the Pledge of Allegiance to the Flag.

AWARDS OF EXCELLENCE TO RECIPIENTS OF THE WORKFORCE DEVELOPMENT BOARD - COUNCILMEMBER QUINTERO

(ADD-ON) PROCLAMATION OF AMERICAN HISTORY MONTH/DAUGHTERS OF THE REVOLUTION SENIOR HIGH SCHOOLS 35<sup>TH</sup> ANNUAL GOOD CITIZEN AWARDS - COUNCILMEMBER PEREA

PROCLAMATION OF SYLVIA MEHAS DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF RACE TO ERASE RACISM WEEK - MAYOR PATTERSON AND CITY COUNCIL

RESOLUTION OF COMMENDATION TO P.G. & E. FRESNO CALL CENTER STAFF - COUNCILMEMBER MATHYS

\*\*Visiting students and teachers from McLane High School were recognized and welcomed.

CERTIFICATES OF RECOGNITION TO CLOVIS WEST BABE RUTH - ACTING PRESIDENT BREDEFELD

PRESENTATION OF CERTIFICATES BY THE POLICE DEPARTMENT TO RECIPIENTS OF THE SAFE NEIGHBORHOOD APARTMENT PARTNERSHIP (2 - 0)

The above proclamations, resolutions and certificates were read and presented.

PRESENTATION BY EDISON HIGH 10<sup>TH</sup> GRADE STUDENTS OF BOOKLET OF PICTURES OF DISTRICT 3 CALLED "COMMUNITY TREASURES" - COUNCILMEMBER RONQUILLO

Canceled.

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APPROVE COUNCIL MINUTES OF FEBRUARY 8, 2000

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of February 8, 2000, were approved as submitted.

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**APPROVE AGENDA:**

**REQUEST FOR INFORMATION ON PROCESS AND REQUIREMENT FOR AN RFQ FOR CONVENTION CENTER FACILITIES REMODEL/UPGRADE - COUNCILMEMBER QUINTERO**

City Attorney Montoy and Manager Reid responded to questions of Councilmember Quintero relative to the next step in the process to upgrade the convention center facilities and directing staff to issue an RFQ for the project. Councilmember Quintero stated he would place an item relating to an RFQ on the next agenda.

**RECEIPT OF MEMORANDUM FROM THE FRESNO GRIZZLIES WITH COPY OF LETTER FROM THE PACIFIC COAST LEAGUE TO JOHN CARBRAY REQUESTING A MEETING WITH ELECTED AND COMMUNITY LEADERS/OFFICIALS - COUNCILMEMBER QUINTERO**

Councilmember Quintero advised the memo went out to Council, business leaders, building industry leaders, FSU officials, and community and civic leaders knowledgeable about downtown requesting a meeting and questioned if this went beyond the scope of the appointed Council Stadium Committee and if this would interfere with ongoing meetings/negotiations, with City Attorney Montoy, City Manager Reid and Councilmember Ronquillo responding.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1) RESOLUTION NO. 2000-50 - INTENT TO ANNEX PARCEL MAP NO. 99-05 AS ANNEXATION NO. 18 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING A PUBLIC HEARING FOR MARCH 21, 2000, AT 11:00 A.M.**

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-50 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

**(1A-2) APPROVE SUBSTITUTION OF SUBCONTRACTOR BELL ELECTRIC FOR KIMCO ELECTRIC FOR THE ELECTRICAL WORK AT PILIBOS SOCCER PARK**

(1A-3) APPROVE LEASE MODIFICATION/SUPPLEMENT NO. 002 TO A LEASE NO. DTFA08-87-L-11804 BETWEEN THE CITY AND THE FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SUBJECT LEASE ON BEHALF OF THE CITY

(1A-4) AWARD A CONTRACT TO CALIFORNIA HAZARDOUS SERVICES IN THE AMOUNT OF \$230,903 FOR A NEW FUELING ISLAND FACILITY AT THE WASTEWATER TREATMENT PLANT

(1A-5) AWARD A CONTRACT FOR THE BASE BID PLUS ADD-ALTERNATE 6 (6' HIGH DOUBLE-SIDED CEDAR FENCE WITHOUT KICKBOARD) TO REBEL FENCE INC., IN THE AMOUNT OF \$205,390 TO INSTALL A FENCE ON BOTH SIDES OF THE SUGAR PINE TRAIL BETWEEN AUDUBON AND SHEPHERD AVENUES

(1A-6) **RESOLUTION NO. 2000-51** - AUTHORIZING/APPROVING AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) 1999-2000 TIRE RECYCLING GRANT PROGRAM FOR A COMMUNITY EDUCATION AND WASTE TIRE AMNESTY DAY PROGRAM

(1A-7) APPROVE THE MEMORANDUM OF UNDERSTANDING WITH CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA/UNIT 13), COVERING THE PERIOD JULY 1, 1998, THROUGH JUNE 30, 2001; DIRECT MODIFICATION TO THE FRESNO MUNICIPAL CODE TO EXCLUDE FROM PENSION CALCULATIONS ANNUAL LEAVE ACCRUALS; AND DIRECT STAFF TO ADMINISTRATIVELY AMEND THE SALARY RESOLUTION TO REFLECT THE SALARY INCREASES CONTAINED IN THE SUCCESSOR AGREEMENT AND THE EXTENSION OF THE ANNUAL LEAVE PLAN TO NON-REPRESENTED EMPLOYEES

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-00-28, REZONING APPLICATION NO. R-99-42, AND ENVIRONMENTAL FINDINGS, FILED BY WESTCAL, INC., FOR PROPERTY LOCATED ON THE NORTH SIDE OF E. NEES BETWEEN N. FIRST STREET AND N. MILLBROOK AVENUE

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-28, R-99-42
2. **RESOLUTION NO. 2000-52** - AMENDING THE WOODWARD PARK COMMUNITY PLAN (P.A. A-99-28)
3. **BILL NO. B-16 - ORDINANCE NO. 2000-19** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM, R-1-C/UGM/CZ, R-2/UGM AND C-R/UGM/CZ TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro reviewed the staff report as submitted and recommended approval.

Gary Gianetta, Project Engineer representing Westcal, Inc., spoke in support of the project and requested approval as recommended.

Upon call, no one else wished to be heard and President Boyajan closed the hearing.

Mr. Haro briefly responded to and clarified questions of Acting President Bredefeld and Councilmember Ronquillo relative to density and the athletic club condition of approval. Acting President Bredefeld and Councilmember Ronquillo expressed their support for the project.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-99-28, R-99-42 dated 12/16/99, hereby approved; the above entitled Resolution No. 2000-52 adopted; and the above entitled Bill No. B-16 adopted as Ordinance No. 2000-19, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(10:30 A.M.) APPEARANCE BY DAVID WELLS REQUESTING THE CITY TAKE FORMAL ACTION TO PURCHASE 2 PLUS ELECTRIC BUSES LOCALLY VIA STAFF COOPERATION WITH ELECTRIC VEHICLES OF AMERICA, WRITE BID SPECIFICATIONS, AND CO-SEEK GRANT MONIES PLUS MATCHING CITY FUNDS OF \$1.1 MILLION THAT HAVE ALREADY BEEN GRANTED TO THE CITY FROM THE FEDERAL GOVERNMENT FOR THE PURPOSE OF PURCHASING TWO HYBRID ELECTRIC BUSES**

Appearance made. Barbara Hunt, 944 "F" Street spoke in opposition. No action was taken.

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**(10:35 A.M.) APPEARANCE BY BARBARA HUNT REGARDING ALLEGED POLICE BRUTALITY AND UNLAWFUL SEIZURE OF PROPERTY**

Appearance made; no action taken.

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**(11:00 A.M.) CONTINUED HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY TO ACQUIRE AN EASEMENT FOR CONSTRUCTION OF N. SAN PABLO AND ACQUIRE A REMNANT PARCEL IN CONJUNCTION WITH DEVELOPMENT OF UGM AGREEMENT NOS. S-98-343 AND S-99-160**  
**1. \* RESOLUTION NO. 2000-53 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE CONSTRUCTION OF A PORTION OF N. SAN PABLO, NORTH OF W. ALLUVIAL AND AUTHORITY TO ACQUIRE A REMNANT PARCEL CREATED BY THE EASEMENT, AS A DEVELOPMENT REQUIREMENT OF UGM AGREEMENT NOS. S-98-343 AND S-99-160**  
**2. \* RESOLUTION NO. 2000-54 - 72<sup>ND</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$22,000 FOR THE ACQUISITION OF RIGHT-OF-WAY FOR N. SAN PABLO NORTH OF W. ALLUVIAL AVENUE**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy briefly reviewed the background and clarified what was at issue this date.

City Engineer Salazar gave an overview of the issue including meetings held, proposals made, and the need to subsequently withdraw one relative to UGM reimbursements, **(3 - 0)** and reviewed the staff report and all elements of the issue, displaying maps on the overhead. Supervising Real Estate Agent Balch displayed photographs and reviewed particulars (cost, appraisals, etc.) of the subject remnant parcel and right-of-way easement.

Deputy City Attorney Slater gave an overview of the issue, summarized facts and testimony presented by staff, and incorporating all testimony advised of the findings Council needed make to adopt the Resolution of Necessity as follows: (1) that public interest and necessity require an outlet for industry traffic off of Fallbrook Avenue; (2) an outlet for industry traffic along the N. San Pablo alignment is the only reasonable method of mitigating a potential for increased traffic congestion resulting from an extension of Fallbrook to Blackstone Avenue; (3) the location of the project promotes the greatest public good and the least private injury by mitigating a potential for increased traffic congestion which would result from an extension of Fallbrook to Blackstone Avenue; (4) the remnant parcel to the east of the street easement for N. San Pablo is of such size (1038 sq. ft.), shape (triangular) and configuration that it is of little market value; and (5) there is no other reasonable, practicable and economically sound means of constructing an outlet for Fallbrook Avenue which would prevent the property from becoming a remnant.

Mike Chielpegian, representing the affected property owner, Blackstone Venture 1, advised he just obtained a copy of a letter from DeWayne Zinkin sent to Council in support of the project, and noted he had not been sent a copy and requested a delay so he could review the letter and respond to it in writing. Brief discussion ensued with Ms. Montoy responding to questions relative to options and process. Acting President Bredefeld stated he would not support another delay and requested the hearing go forth as scheduled and that action be taken this date.

Richard Fairbank, representing Mr. Zinkin, withdrew the subject letter from the record, and by Council consensus the hearing proceeded.

Speaking to the issue were: Mr. Chielpegian, who requested settlement and not litigation; stated necessary findings had not been made and elaborated; advised of options; and concluded stating his client was willing to sell the property but wanted to be fairly compensated; Mr. Fairbank, who stated the project had been thoroughly discussed and necessary findings had been made; DeWayne Zinkin, 2377 W. Shaw, who reviewed and spoke in support of the project; and Les Peterson, Dunkel Engineering, who stated moving the connection east as suggested by Mr. Chielpegian was not feasible and explained using a map to illustrate. Upon the request of Mr. Chielpegian, Planning Manager Beach advised of the developability of the remnant parcel. Mr. Chielpegian concluded stating public necessity was at issue and not the developability of the parcel, noted good faith efforts had been put forth in meetings, and advised he came out of meetings hopeful only to be told last Friday that all proposals have been pulled off the table. Mr. Beach and City Manager Reid expanded on the issues of parking and why the UGM reimbursement offer had been withdrawn.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Councilmember Mathys commented on the issue stating the necessary findings were there to adopt the Resolution of Necessity and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Councilmember Ronquillo and Acting President Bredefeld spoke in support of the project and Mr. Salter responded to questions relative to the findings and the remnant parcel.

Ms. Montoy clarified all underlying actions previously presented to the Planning Commission and City Council had been incorporated into the record, including maps and photographs depicted on the overhead this date, and added the Resolution of Necessity had been presented to Council only.

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, based on the findings verbalized this date by staff, and incorporating all the latest and prior testimony, reports, maps and photographs presented, the above entitled Resolution No. 2000-53 stating the public interest and necessity require the construction of N. San Pablo Avenue immediately north of W. Alluvial Avenue hereby adopted; and the above entitled Resolution No. 2000-54 appropriating \$22,000 from the temporary account to the fund for the acquisition of right-of-way from N. San Pablo hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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Councilmember Perea left the meeting at 12:09 p.m. and returned after the lunch recess.

**(11:30 A.M.) APPEARANCE BY DUSTIN HAMEL REGARDING AN INFILL PROJECT AT MAPLE AND POWERS AVENUES - ACTING PRESIDENT BREDEFELD**

Appearance made with Mr. Hamel requesting Council consider incentives, such as elimination of development fees, for infill projects citing hardships and costs associated with infill projects and explained **(4 - 0)**. Brief discussion ensued and Mr. Hamel was invited and encouraged to attend Infill Committee meetings and was commended for bringing the issue forward and for he and his family's work with infill projects.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY HENRY READE, YOST AND WEBB FUNERAL HOME, REQUESTING COUNCIL ASSISTANCE. RELATIVE TO THE FORTHCOMING ELIMINATION OF AIR CARGO OUT OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND RESULTING PROBLEMS WITH FUNERAL BUSINESS

Appearance made with Mr. Reade advising of problems that would be encountered with funeral and other affected businesses, and submitted a letter from Enrique Romero Cuevas, Consul of Mexico, requesting Council's assistance, which letter was read into the record and is on file in the office of the City Clerk.

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**(3A) \*BILL NO. B-15 - ORDINANCE NO. 2000-20 - ADDING A NEW ARTICLE 19 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A FRESNO CLEAN AIR ADVISORY COMMITTEE. SAID COMMITTEE TO BE RESPONSIBLE FOR DEVELOPING AND RECOMMENDING STRATEGIES THAT WILL BE USED TO IMPROVE AIR QUALITY IN THE CITY AND THE SAN JOAQUIN VALLEY**



On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-15 adopted as Ordinance No. 2000-20, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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**(5A) \* RESOLUTION NO. 2000-55 - 76<sup>TH</sup> AMENDMENT TO 99-181 APPROPRIATING \$200 OF DISTRICT 2' GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CENTRAL YOUTH BAMBINO LEAGUE - COUNCILMEMBER MATHYS**

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-55 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

Councilmember Steitz left the meeting at 12:19 p.m. and returned after the lunch recess.

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**(5B) \* RESOLUTION NO. 2000-56 - 77<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$1,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE FRESNO/CALWA COMMUNITY OUTREACH (\$700) AND THE ROOSEVELT GOLF TOURNAMENT PROGRAM (\$300) - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-56 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Perea, Steitz

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**(5C) DIRECT CITY ATTORNEY TO PREPARE AN AGREEMENT BETWEEN THE CITY AND RESIDENT(S) TO PROTECT THE CITY'S INTEREST REGARDING INSTALLATION OF BACK YARD GATES IN THE CITY'S FENCE ALONG THE AUDUBON TO SHEPHERD PORTION OF THE SUGAR PINE TRAIL - ACTING PRESIDENT BREDEFELD**

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Attorney directed to prepare an agreement between the City of Fresno and resident(s) to protect the City's interest regarding installation of back yard gates in the City's fence along the Audubon to Shepherd portion of the Sugar Pine Trail, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Ronquillo, Boyajian  
 Noes : None  
 Absent : Perea, Steitz

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President Boyajian advised Council would be going directly into closed session at 2:00 p.m. and announced the scheduled items.

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**LUNCH RECESS - 12:20 P.M. - 2:15 P.M.** Councilmember Mathys was absent for the remainder of the meeting.

**(2:00 P.M.) CLOSED SESSION - CITY COUNCIL** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. CITY OF FRESNO V. THEODORE R. McCALEB, ET AL.
2. ROBERTS MANAGING CONTRACTORS, INC. V. CITY OF FRESNO
3. CIVIC CENTER SQUARE, INC. V. CITY OF FRESNO; FRESNO SUPERIOR COURT NO. 612624-7
4. CITY OF FRESNO V. CIVIC CENTER SQUARE, INC., ET AL; FRESNO SUPERIOR COURT NO. 612629-6
5. CITY OF FRESNO V. GORDON WE4BSTER, ET AL; FRESNO SUPERIOR COURT NO. 612630-4
6. CITY OF FRESNO V. CIVIC CENTER SQUARE, INC.; FRESNO SUPERIOR COURT NO. 612631-2

**JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. NOTTOLI CMC V. CITY OF FRESNO, CITY COUNCIL; REDEVELOPMENT AGENCY, COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA, RPI
2. REDEVELOPMENT AGENCY V. MORRIS, GRACES, FARSAKH, ET AL.

The Council met in regular closed session and jointly with the Redevelopment Agency at the hour of 2:15 p.m. in Room 2125 to consider the above issues, and reconvened in regular open session at 3:10 p.m. with Acting President Bredefeld absent.

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**(3A) REQUEST FOR RECONSIDERATION:**

**\*BILL NO. B-15 - ORDINANCE NO. 2000-20** - ADDING A NEW ARTICLE 19 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE ESTABLISHING A FRESNO CLEAN AIR ADVISORY COMMITTEE. SAID COMMITTEE TO BE RESPONSIBLE FOR DEVELOPING AND RECOMMENDING STRATEGIES THAT WILL BE USED TO IMPROVE AIR QUALITY IN THE CITY AND THE SAN JOAQUIN VALLEY

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, Item **3A** approved for reconsideration, by the following vote:

Ayes : Perea, Quintero, Ronquillo, Steitz, Boyajian  
 Noes : None  
 Absent : Bredefeld, Mathys

**135-86**

**2/15/00**

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Bill No. B-15 adopted as Ordinance No. 2000-20, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Mathys

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## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 3:11 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2000.

_____	ATTEST: _____
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk

135-87

2/15/00